

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARCUS D. WASHINGTON,

No. C 10-05532 SBA (PR)

Petitioner,

**ORDER LIFTING STAY AND
DIRECTING RESPONDENT TO SHOW
CAUSE WHY THE WRIT SHOULD NOT
BE GRANTED**

v.

RICK HILL, et al.,

Respondents.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On March 15, 2011, the Court issued an Order granting Petitioner's request for a stay of proceedings while he returned to state court to exhaust his administrative remedies. On June 21, 2011, Petitioner informed the Court that his state proceedings had concluded, and he filed a first amended habeas petition containing his exhausted claims.

Before the Court are Petitioner's motion to lift the stay and his implied motion for leave to file his first amended petition.

Good cause appearing, Petitioner's motion to lift the stay is GRANTED. Petitioner is also GRANTED leave to file his first amended petition. The Clerk of the Court is directed to mark Petitioner's first amended petition as filed on June 21, 2011, the date it was received.

1 The Clerk of the Court shall REOPEN this case and serve a copy of this Order and the first amended
2 petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney
3 General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at
4 his most current address.

5 Respondent shall file with this Court and serve upon Petitioner, within **sixty (60) days** of the
6 issuance of this Order, an answer conforming in all respects to Rule 5 of the Rules Governing
7 Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent
8 shall file with the answer a copy of all portions of the state trial record that have been transcribed
9 previously and that are relevant to a determination of the issues presented by the petition.

10 If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the
11 Court and serving it on Respondent within **thirty (30) days** of his receipt of the answer. Otherwise,
12 the petition will be deemed submitted and ready for decision thirty days after the date Petitioner is
13 served with Respondent's answer. Petitioner is reminded that all communications with the Court,
14 whether by way of formal legal motions or informal letters, must be served on Respondent by
15 mailing a true copy of the document to Respondent's counsel.

16 Extensions of time are not favored, though reasonable extensions will be granted. Any
17 motion for an extension of time must be filed no later than **seven (7) days** prior to the deadline
18 sought to be extended.

19 This Order terminates Docket no. 6.

20 IT IS SO ORDERED.

21 DATED: 7/15/11


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 MARCUS D WASHINGTON,

5 Plaintiff,

6 v.

7 RICK HILL et al,

8 Defendant.

Case Number: CV10-05532 SBA

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on July 19, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Marcus D. Washington G-00436
16 Folsom State Prison
17 P.O. Box 950
18 Folsom, CA 95763

19 Dated: July 19, 2011

20 Richard W. Wieking, Clerk
21 By: LISA R CLARK, Deputy Clerk
22
23
24
25
26
27
28

United States District Court
For the Northern District of California